

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID SIDOO et al.,

Defendants

No. 1:19-CR-10080-NMG

**ASSENTED TO MOTION TO MODIFY THE BRIEFING SCHEDULE FOR
DISCOVERY MOTIONS**

On January 10, 2020, the Defendants¹ and the government filed a Joint Status Report. (Dk. # 730).

The Status Report suggested a March 13, 2020 deadline for the filing of discovery motions. (Id. p. 4).

The Court adopted the deadline proposed by the parties. Interim Status Report, dated January 17, 2020 (Dk. #745).

On February 26, 2020, the government disclosed, for the first time, certain exculpatory material (i.e., Singer’s “iPhone notes”). The Court held a hearing on February 28, after which, on March 4, 2020, the government provided additional voluminous discovery which the Defendants believe contains additional exculpatory evidence. See, Government Discovery letter, detailing the evidence to be disclosed (Dk. #918). In the letter, the government indicated that it would produce a variety of additional discovery materials on or before March 13, 2020. The government further indicated that emails and documents which the government obtained via search warrants related to several defendants in this case are currently being reviewed for privilege, and it will produce all additional non-privileged material from a variety of different custodians “as soon as possible.”² Thus it appears that in addition to the discovery received on March 4, the Defendants will be receiving additional discovery, of unknown volume, after March 13, 2020.

¹ All Defendants join in this motion.

² Custodians include: Rick Singer; Gordon Ernst; Donna Heinel; Martin Fox; Mark Riddell; Amy Colburn; Diane Blake; Elisabeth Kimmel; Gamal Abdelaziz; Homayoun Zadeh; Lori Loughlin; Robert Zangrillo; and John Wilson.

On March 4, 2020, the Court entered an order acknowledging the government's recent release of discovery to the defendants, and instructing the defendants to confer and file a consolidated status report to the Court concerning what discovery issues remain outstanding by March 20, 2020. Dk. # 919.

Due to the government's recent discovery production, Defendants request that the March 13, 2020 deadline for the filing of discovery motions contemplated in the Court's Interim Status Report, dated January 17, 2020 (Dk. #745) be suspended. The parties propose that they submit a revised schedule for filing of discovery motions, should further motions be necessary, as part of the consolidated status report that the Court has ordered the parties to file on March 20, 2020.

Accordingly, Defendants respectfully request that the Court issue an order revising the schedule for the filing of discovery motions and permit the parties to file a suggested schedule, should one be necessary, on March 20, 2020 as part of the consolidated status report which the parties are required to file on March 20, 2020. (Dk. # 919).

Defendants respectfully submit that allowing an amended schedule for the filing of discovery motions will assist the Court in efficiently adjudicating this matter. The government has assented to this request to amend the schedule for the filing of discovery motions, should such motions be necessary.

Dated: March 8, 2020

Respectfully submitted,

ELISABETH KIMMEL

By her attorneys,

/s/ Cory S. Flashner

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that I conferred with counsel for the government in an attempt to resolve or narrow the issues raised by this motion. The government assents to this motion.

/s/ Cory S. Flashner
Cory S. Flashner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing was filed electronically on March 8, 2020, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Cory S. Flashner
Cory S. Flashner